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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,075	06/09/2000	Mark F. Schulz	1105.11011101	3015

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EXAMINER

GRENDZYNSKI, MICHAEL E

ART UNIT PAPER NUMBER

1774

DATE MAILED: 11/26/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-11

Office Action Summary	Application No.	Applicant(s)	
	09/591,075	SCHULZ ET AL.	
	Examiner	Art Unit	
	Michael E. Grendzynski	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 1-5 and 7-49 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5 and 7-46, drawn to inkjet media, classified in class 428, subclass 195.
 - II. Claims 47-49, drawn to a method of printing an image, classified in class 347, subclass 105.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in another, materially different process, e.g., in a method of gift-wrapping.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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3. In the event that the invention of Group I is chosen, this application contains claims directed to the following patentably distinct species of the claimed invention:

a. Inkjet receptive media comprising (1) a synthetic organic or inorganic substrate defining a plurality of pores and (2) a coating thereon including a plurality of organic particles

i. wherein the plurality of particles comprise:

(1) cross-linked homopolymers and copolymers of N-vinyl lactams (claims 1-5, 15-18, 22-24, 26-34 and 37-43);

(2) cross-linked homopolymers and copolymers of N-vinylimidizoles (claims 1-5, 15-18, 22-23, 25, 32-34, and 37-43); *or*

(3) cross-linked copolymers of polyvinylpyridine; (claims 1-5, 15-18, 22-23, 32-34, 37-43, and 45); **and**

ii. wherein the substrate comprises:

(4) fibers that are randomly intertangled (claims 1 and 7);

(5) fibers that are spunbonded (claims 1 and 8); *or*

(6) fibers that are spunlaced (claim 1 and 9); **and**

iii. wherein the fibers comprise:

(7) a thermoplastic (claim 10);

(8) a polyolefin and (claim 11);

(9) a polypropylene (claim 12);

(10) a polyester (claim 13); *or*

(11) a polyamide (claim 14); **or**

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b. Inkjet receptive media comprising (1) a synthetic organic or inorganic substrate defining a plurality of pores; (2) a coating thereon comprising a plurality of organic particles and (3) an image disposed proximate the coating, wherein the plurality of particles comprise:

- iv. cross-linked homopolymers and copolymers of N-vinyl lactams (claims 1 and 19-21);
- v. cross-linked homopolymers/copolymers of N-vinylimidizoles (claims 1 and 19-21); *or*
- vi. cross-linked copolymers of polyvinylpyridine; (claims 1 and 19-21); *or*

c. Inkjet receptive media comprising (1) a synthetic organic or inorganic substrate defining a plurality of pores; (2) a coating thereon comprising a plurality of organic particles and (3) an adhesive layer, wherein the plurality of particles comprise:

- vii. cross-linked homopolymers and copolymers of N-vinyl lactams (claims 1 and 35);
- viii. cross-linked homopolymers and copolymers of N-vinylimidizoles (claims 1 and 35); *or*
- ix. cross-linked copolymers of polyvinylpyridine; (claims 1 and 35); *or*

d. Inkjet receptive media comprising (1) a synthetic organic or inorganic substrate defining a plurality of pores; (2) a coating thereon comprising a plurality of organic particles and (3) a protective laminate, wherein the plurality of particles comprise:

- x. cross-linked homopolymers/copolymers of N-vinyl lactams (claims 1 and 44);
- xi. cross-linked homopolymers/copolymers of N-vinylimidizoles (claims 1 and 44); *or*
- xii. cross-linked copolymers of polyvinylpyridine; (claims 1 and 44); *or*

e. Inkjet receptive media comprising (1) a synthetic organic or inorganic substrate defining a plurality of pores; (2) a coating thereon comprising a plurality of organic particles; (3) an image disposed proximate the coating and (4) protective laminate layer, wherein the plurality of particles comprise:

- xiii. cross-linked homopolymers/copolymers of N-vinyl lactams (claims 1 and 46);
- xiv. cross-linked homopolymers/copolymers of N-vinylimidizoles (claims 1 and 46); *or*
- xv. cross-linked copolymers of polyvinylpyridine; (claims 1 and 46).

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2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. That is, applicants must choose one of species a-e. If species "a" is chosen, moreover, then one of each subspecies (i-iii) should also be chosen. Similarly, if any of species "b" through "e" is chosen, then the appropriate subspecies should also be elected (the composition of the organic particles). Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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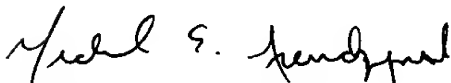
named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Grendzynski whose telephone number is 703-305-0593. The examiner can normally be reached on weekdays, from 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703-308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.



Michael E. Grendzynski
Assistant Examiner
November 25, 2002



BRUCE H. HESS
PRIMARY EXAMINER